

## **FISCAL NOTE**

### **SB 1937 - HB 1816**

March 15, 2007

**SUMMARY OF BILL:** Increases the penalty for the Class A felony offense of rape of a child with a sentencing range of 15 to 60 years to a minimum of 25 years. Rape of a child may be punishable by life imprisonment. Requires the Board of Probation and Parole (BOPP) to monitor such offenders using a global positioning system (GPS) for the full extent of such person's term of probation or parole.

#### **ESTIMATED FISCAL IMPACT:**

**Increase State Revenues - \$1,400 First Year  
\$2,500 Each Succeeding Year**

**Increase State Expenditures - \$7,690,700 / Incarceration\***

**\$1,890,900 First Year &  
\$2,165,800 Each Succeeding Year**

**\$25,100 One-Time First Year &  
\$3,900 Each Succeeding Year**

#### **Assumptions:**

- According to BOPP, there will be 24 offenders subject to GPS monitoring (in addition to the 375 offenders currently in the pilot project) in the first year. This total includes existing sex offenders plus newly released offenders. Eighteen additional offenders will be subject to GPS monitoring in each subsequent year. Offenders will be subject to monitoring an average of 13.5 years.
- GPS offenders are required to pay \$600 per year to cover monitoring costs; however, according to BOPP, 90% of the GPS offenders are indigent and unable to pay. In the first year, BOPP will have a total of 24 new offenders on the GPS program ( $24 \times \$600 = \$14,400$ ). Ten percent of those will pay \$1,440. In the second and subsequent years, an additional 18 offenders on the GPS program ( $18 \times \$600 = \$10,800$ ). Ten percent of those will pay \$1,080.

- BOPP will incur monitoring costs of \$61,320 in the first year (24 x \$2,555 (equipment costs)) and additional costs of \$45,990 (\$2,555 x 18) in the second year (and subsequent years) for newly released offenders. The total monitoring cost, up to year 14, is \$107,310. After year 14, the costs will decline as offenders complete their supervision and leave the system.
- BOPP will require 46 additional positions to implement this system state-wide, including GPS technical positions, case officers, and information systems staff. The cost of these positions is \$1,829,535 recurring and \$25,120 one-time in the first year, and an additional \$228,909 recurring and \$3,925 one-time in the second and each subsequent year.
- An average of 64 persons has been convicted of rape of a child in each of the past five years, according to the Administrative Office of the Courts (60), and the Department of Correction (DOC) (68). The average age of each offender is 39 years, and the life expectancy of each offender is 70 years. Persons convicted of this offense currently serve an average of 20 years. According to the U.S. Census Bureau, population growth in Tennessee has averaged 1.09 percent per year for the past ten years.
- Sixty-four persons will be convicted for the offense of rape of a child in the first year, and by the tenth year, due to population growth, this number will increase to 70 offenders. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 70 offenders serving additional time on their sentences. According to DOC, the average operating cost per inmate per day for calendar year 2007 is \$60.16.
- Seventy offenders will serve an additional five years (an increase from 20 years to a minimum of 25 years). The cost per inmate at 20 years is \$439,468.80 (\$60.16 x 7,305 days). The cost per inmate at 25 years is \$549,336 (\$60.16 x 9,131.25 days). The additional cost from increasing the average sentence length from 20 years to 25 years is \$109,867.20 (\$549,336 - \$439,468.80). The total additional operating cost for 70 offenders is \$7,690,704 (\$109,867.20 x 70).

*\*Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

## **CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director